IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE CIVIL JURISDICTION

WRIT PETITION NO.2652 OF 2005

Sangli Urban Co-op. Bank Ltd.).. Petitioner

Versus

Bank Karmachari Sangh).. Respondent

Mrs.Meena Doshi for the Petitioners.

Mr.Nitin A. Kulkarni for the Respondent.

CORAM: SMT.NISHITA MHATRE, J.

DATED: 14TH JULY 2005

P.C.:

. The grievance of the Petitioner in this Writ Petition is that before passing an Award in the wage reference, it was necessary for the Industrial Tribunal to consider certain factors. These are the financial capacity of the employer, industry-cum- region principle, the burden that would be cast on the employer if such an Award is made etc. According to the Petitioner, although the burden statements were filed by them before the Industrial Tribunal, they have not been taken into account while making the Award.

2. A perusal of the Award indicates that the various principles which are to be considered while adjudicating

a wage reference have been ignored by the Tribunal. There is no finding recorded regarding the financial capacity of the Petitioner. Nor is there any indication in the Award as to whether the Tribunal has applied its mind to the burden that the Petitioner would be required to bear if the demands were to be granted.

3. Award of the Industrial Tribunal set aside and remanded to the Industrial Tribunal. The Industrial Tribunal shall consider the documents on record including the burden statements. Applications made by either party will be decided on their own merits by the Industrial Tribunal. However, no fresh evidence will be led by either party.

4. Writ Petition disposed of accordingly.

5. The Industrial Tribunal to dispose of the Reference within a period of three months from the date of receipt of the Writ of this Court.